

**IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN AND
FOR SEMINOLE COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 2012-001083-CFA

GEORGE ZIMMERMAN,

Defendant.

MOTION TO SET REASONABLE BOND

COMES NOW the defendant, GEORGE ZIMMERMAN, by and through his undersigned counsel, and files this his Motion to Set Reasonable Bond, pursuant to Florida Statute 903.046 and 907.041 and Florida Rules of Criminal Procedure 3.125, 3.131 and 3.132 and as grounds therefore would state as follows:

1. On April 11, 2012, Mr. Zimmerman was arrested and charged with the offense of Second Degree Murder in violation of Florida Statute 782.04, a first degree felony punishable by life in prison. The charge stems from an incident on February 26, 2012 in Seminole County in the vicinity of Retreat View Circle, Sanford, Florida which resulted in the death of Trayvon Martin. While Mr. Zimmerman has admitted shooting Mr. Martin, at all times Mr. Zimmerman has maintained that the shooting was in self defense and was a lawful act as a result of having been physically attacked by Mr. Martin.

2. Following a hearing on April 20, 2012, this Court granted bail to Mr. Zimmerman in the amount of \$150,000.00 plus additional conditions to include GPS monitoring.

3. On April 27, 2012 counsel for Mr. Zimmerman advised the Court and the State that

there was approximately \$150,000.00 in donations to Mr. Zimmerman in an account(s) that had not been disclosed to the Court during the April 20, 2012 bond hearing and that those funds were no longer in Mr. Zimmerman's control. The State asked the Court to increase Mr. Zimmerman's bail in light of the foregoing. The Court requested additional information about the funds and who had control over the funds. During this time Mr. Zimmerman remained on bond without violation.

4. On June 1, 2012, the State filed its Motion to Revoke Bond based primarily on Mr. Zimmerman's failure to advise the Court of the money in the donation fund at the bail hearing on April 20, 2012 and based on Shellie Zimmerman's alleged misrepresentations about her knowledge of the extent of the fund and offered excerpts of recorded jail calls between them to support its claim. At that hearing, the Court revoked Mr. Zimmerman's bond and ordered that he surrender to the Seminole County Jail within 48 hours. Mr. Zimmerman timely surrendered as directed and remains in custody pending a hearing on this motion currently set for June 29, 2012. On June 11, 2012, this Court entered its written Order Revoking Bond.

5. On June 12, 2012, the State of Florida filed an Information charging Shellie Zimmerman with Perjury in Official Proceeding, a violation of Florida Statute 837.02(1) stemming from her alleged false statement about the donation fund at Mr. Zimmerman's bond hearing on April 20, 2012. Mrs. Zimmerman has since been arrested on the capias and has been released from custody on bond.

6. Since April 26, 2012, any money in the donation fund, including subsequent donations to the legal defense fund have been out of the control of Mr. Zimmerman, his wife or any family member except for \$20,000 that was withheld for ongoing living expenses. Currently, all money in the legal defense fund is under the control of an independent trustee and is not accessible

to Mr. Zimmerman or his family. Any expenditure on behalf of Mr. Zimmerman must be approved by the fund administrator. The website started by Mr. Zimmerman has been closed down as part of the overall removal of Mr. Zimmerman's internet presence. A new website, www.gzdefensefund.com, was established and is currently active and is available to accept donations to help Mr. Zimmerman offset legal defense expenses and reasonable living expenses. Those funds are likewise being directed to the fund administrator and are not accessible to Mr. Zimmerman or his family.

7. Mr. Zimmerman is still entitled to a reasonable bond notwithstanding the Court's finding that Mr. Zimmerman failed to disclose the existence of the donated money at his last bond hearing. Florida Constitution Article 1 Section 14 provides that,

Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

See also, Florida Statute 907.041 and State v. Paul, 783 So.2d 1042 (Fla. 2001).

8. The defendant does not pose a risk of harm to the community nor is he a flight risk. On the night of the incident before being arrested and charged, Mr. Zimmerman remained in regular contact with law enforcement and cooperated fully in their investigation; while released on this Court's initial bond, Mr. Zimmerman fully complied with the conditions of his release; and when directed to surrender himself after the Court revoked bond, he did so timely.

9. Mr. Zimmerman has no criminal convictions, no history of failing to appear at court proceedings and has significant ties to the community as evidenced at his initial bail hearing.

Further, Mr. Zimmerman promptly surrendered the donated funds to counsel and agreed that the funds be held by a third party over which Mr. Zimmerman has no control. Although gainfully employed at the time of his arrest, Mr. Zimmerman is currently unemployed and due to threats to his safety, is unable to live or work openly. Consequently, it is unlikely that Mr. Zimmerman will be able to obtain gainful employment pending resolution of the pending case. Should the Court grant bail, Mr. Zimmerman requests that the bail conditions be similar to those imposed before. Mr. Zimmerman's reasonable living expenses while on bond will be paid from the donated funds at the discretion of the fund's administrator.

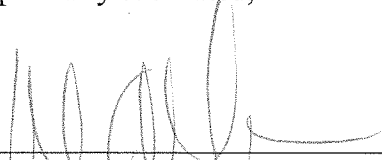
10. Mr. Zimmerman's failure to advise the Court of the existence of the donated funds at the initial bail hearing was wrong and Mr. Zimmerman accepts responsibility for his part in allowing the Court to be misled as to his true financial circumstances. Counsel, however, points to Mr. Zimmerman's voluntary disclosure of the fund and immediate surrender of any interest in the donated money through transfer of the fund to counsel for deposit in trust. Mr. Zimmerman has no control over any of the money in the legal defense fund at this time and while the fund is authorized to pay Mr. Zimmerman's reasonable living expenses, those expenditures must be approved by the independent administrator.

11. Mr. Zimmerman should be granted bail and will abide by the conditions imposed by the Court.

WHEREFORE, the defendant respectfully requests this Honorable Court to enter its

Order setting reasonable bail.

Respectfully submitted,



MARK M. O'MARA, ESQUIRE

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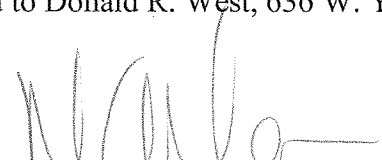
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail/Facsimile/Hand Delivery this 22nd day of June, 2012 to Bernie de la Rionda, Assistant State Attorney and John Guy, Assistant State Attorney, Office of the State Attorney, 220 East Bay Street, Jacksonville, Florida 32202-3429, and to Donald R. West, 636 W. Yale St., Orlando, FL 32804, co-counsel for Mr. Zimmerman.



MARK M. O'MARA, ESQUIRE